

EXHIBIT “A”

1 MR. PAYNE: The one sentence, "If you have any
2 questions."

3 THE COURT: Okay.

4 THE WITNESS: "If you have any questions contact the
5 customer care."

6 BY MR. PAYNE:

7 Q. Did you call that number?

8 A. I may have. Maybe not at this notification, but I
9 know I had contacted Ocwen to let them know that I believe that
10 we had been granted a discharge on bankruptcy.

11 Q. Do you recall which --

12 A. I'm not sure if it was at this time.

13 Q. Do you recall which number specifically you contacted
14 when you contacted Ocwen?

15 A. I could not recall that.

16 Q. Fair to say.

17 A. Never.

18 Q. Now, turning your attention to page No. 42, please. I
19 understand these ones are a little bit more blurry and
20 difficult to read.

21 Can you please -- I'm going to -- actually, hold on
22 one second. We're going to revert back. And I apologize for
23 jumbling around a little bit here.

24 A. Okay.

EXHIBIT “B”

1 MR. PAYNE: Strike that.

2 BY MR. PAYNE:

3 Q. I'm going to direct your attention to page 54, which
4 is contained in Exhibit 6.

5 A. Oh. Page 54, okay.

6 THE COURT: And so 54 is a "Notification of," dated
7 12/4/13; is that correct?

8 MR. PAYNE: Correct.

9 THE COURT: Okay.

10 BY MR. PAYNE:

11 Q. Mr. Marino, when you were discussing this exhibit with
12 Mr. Burke, you had mentioned that by the time this notice had
13 been sent to you, quote/unquote, that you had been called so
14 many times, essentially, that you were fed up enough to give
15 this number a call; is that correct?

16 A. I think that is correct, yes.

17 Q. Is that the number that you called, there on the
18 bottom, that's circled?

19 A. It's very possible.

20 Q. Can you please read the very top left of the page, who
21 this notice is being sent from?

22 A. The top left of the page. The insurance corporation,
23 "Q" -- is it "QB"?

24 Q. Correct. QBE Insurance Corporation --

EXHIBIT “C”

1 So rephrase the question.

2 BY MR. BURKE:

3 Q. At some point you knew they filed bankruptcy?

4 A. Yeah.

5 Q. Okay. Do you remember what year that was?

6 A. No.

7 Q. Okay. After -- and you knew they got a discharge?

8 A. Yes.

9 Q. Okay. After that do you recall their emotional state?

10 A. Yes.

11 Q. What was it?

12 A. It was -- they were embarrassed and they were
13 humiliated, and they were angry, and they were upset that they
14 had to go through that.

15 Q. But after it was over did you see any improvement?

16 A. They thought, for a brief period of time, that, "Yes.
17 Okay. It's finally over. We can put this in the past and we
18 can move on."

19 Q. Were they able to move on to your knowledge?

20 A. No.

21 Q. Why not?

22 A. Because the calls did not stop.

23 Q. What calls?

24 A. The calls from the -- the lending institutions that I

1 guess financed the home or whatever.

2 Q. How do you know she received -- or who received calls?

3 A. Mainly Val.

4 Q. And how do you know she received calls?

5 A. I know because we were friends. And if I was at her
6 house and my phone was ringing, I'd say, "Val, pick that up for
7 me." Or if her phone was ringing, she'd say, "Bernie, can you
8 get that for me?" And I would pick -- I'd answer her phone.
9 She'd answer my phone. We're friends. Friends do that kind of
10 thing.

11 And on several occasions she would pick up the phone
12 and I would hear her. And first of all, I could hear her
13 saying, "We filed a bankruptcy. This is done. Please don't
14 call me anymore."

15 And then sure enough, she would get another call. And
16 Val would be just standing there, crying, and looking at her
17 phone and saying, "I don't even want to have a phone anymore,"
18 she was so distraught over these phone calls.

19 Q. Did you ever pick up her phone and receive a call from
20 her mortgage company?

21 A. Yes, I did.

22 Q. How many times?

23 A. Several times. To say an exact number, I can't. But
24 several times.

1 Q. And what would they say when you picked up the phone?

2 A. First, they would ask me when I intended to pay the
3 debt.

4 Q. And you weren't even the debtor?

5 A. No, I was not Val. And the assumption was that,
6 because I answered that phone that I was Val.

7 Q. What did you respond?

8 A. I would -- I let them talk. And then I'd say, "I'm
9 sorry, but I'm not Valerie."

10 Q. Okay. And what did they say throughout the
11 conversation, that you recall?

12 A. They just continued to ask me to pay.

13 Q. They said you basically need to pay on this loan?

14 A. Yes.

15 Q. Okay. When -- and this is after the discharge?

16 A. Correct.

17 Q. Okay. So there was a time when Ms. Marino was really
18 upset, and she had filed the bankruptcy, calmed down, and then
19 it seemed like these phone calls started. How did you --
20 describe her at that point.

21 A. Val was -- you could see she looked ill. She didn't
22 look well. She had these pains in her stomach. And at one
23 point the pains were so severe that she thought she had stomach
24 cancer.

EXHIBIT “D”

1 Q. Is there a separate account for each loan that's being
2 serviced?

3 A. Yes.

4 Q. And, Mr. Prudent, what type of information is tracked
5 for each of these accounts?

6 A. The principal balance, the name of the borrowers, when
7 payments are made, if the account is in foreclosure, if the
8 account is in bankruptcy, if it is current, if there is any
9 type of loss mitigation effort, all communication that is done
10 with the borrower regarding the account, as well as
11 correspondence.

12 Q. You mentioned towards the end there records of all
13 communication that goes on with the borrowers. Is there some
14 form of transaction history or comment log? Or what would you
15 call it?

16 A. There is a comment log. The comment log is utilized
17 for whenever any interaction is done with the loan account.

18 Q. And who makes these notations in the comment log?

19 A. It can be system generated, depending on a predefined
20 logic, or most of the time it is generated by a teller or an
21 associate working in a specific department.

22 Q. Are all outgoing calls made to the borrowers on behalf
23 of Ocwen notated in this system?

24 A. Yes. Outbound calls would be notated, as well as

1 inbound calls coming in that we receive from a customer.

2 Q. And what type of comments or notes are kept when an
3 incoming call is received?

4 A. If it's an incoming call, the per- -- you are going to
5 see in the comment logs the person that called, the
6 verification process, as well as what was discussed in the
7 call.

8 Q. And is there any way that these comments that are
9 entered at the time of the call, that they can be amended or
10 deleted after they have been entered?

11 A. Once they've be entered, the only way is, if there was
12 an error, is to enter another comment.

13 Q. So even if there was a comment that was entered in
14 error, there's -- there's no way to delete that comment?

15 A. No.

16 Q. Is it possible for a borrower to call regarding their
17 account and not have it appear in the system?

18 A. No. We would need some form of verification to
19 discuss the account.

20 Q. Mr. Prudent, are you familiar with the servicing of
21 loans that are in foreclosure -- or that are in foreclosure?

22 A. Yes.

23 Q. Particularly ones that are in foreclosure in
24 deed-of-trust states?

EXHIBIT “E”

1 This would be in Exhibit 6, sub-folder D.

2 THE COURT: Forty-seven, you said?

3 MR. PAYNE: Correct, Your Honor.

4 Are we all there?

5 THE WITNESS: Yes.

6 THE COURT: Yeah.

7 BY MR. PAYNE:

8 Q. Can you please describe what you see here in this
9 exhibit, Mr. Prudent?

10 A. It is an insurance request.

11 Q. And why would this notice be sent to the borrowers?

12 A. That there isn't insurance on the property, and
13 requesting proof of coverage of insurance.

14 Q. And would these type of notices be sent irregardless
15 of whether a borrower has filed for bankruptcy?

16 A. Yes. Again, it's trying to ascertain if there is
17 insurance on the property before force-placed insurance is
18 placed.

19 Q. Mr. Prudent, if phone calls are made to the borrowers,
20 what is the procedure that the operators follow?

21 A. If it is an outbound call, if contact is made, they
22 will request to speak with one of the account holders and
23 verify the account information with that account holder. If it
24 is not the account holder, then that person is treated as an

1 unauthorized caller and no account information can be divulged
2 to that person.

3 Q. Mr. Prudent, did you review the debtor's loan file in
4 preparation for today?

5 A. Yes.

6 Q. And what exactly did you review?

7 A. I reviewed the statements, the motion for contempt, as
8 well as the opposition that was filed on behalf of Ocwen.

9 Q. Did you review any of the transaction history or
10 comment call logs that we discussed earlier?

11 A. Yes.

12 Q. When you reviewed the -- the call log, were you able
13 to identify any incoming calls that the borrowers made
14 regarding their account?

15 A. Would you repeat the question?

16 Q. Were you able to identify any instances where the
17 borrowers called Ocwen regarding their account?

18 A. Based on our (inaudible) I didn't see any incoming
19 calls from the borrower.

20 Q. Was there any indication in the borrower's account
21 that they had filed for bankruptcy?

22 A. Yes.

23 Q. And was there any information regarding the debtor or
24 the borrowers' discharge?

EXHIBIT “F”

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2 to that person.

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19 calls from the borrower.

20 Q. Was there any indication in the borrower's account
21 that they had filed for bankruptcy?

22 A. Yes.

23 Q. And was there any information regarding the debtor or
24 the borrowers' discharge?

EXHIBIT “G”

1 Q. Would -- Mr. Prudent, we'll skip.

2 Once the property has been foreclosed, would there be
3 any reason for Owen to send any further notices to the
4 debtors?

5 A. Not at that point, no, the property has been
6 foreclosed upon.

7 Q. In your review of the debtor's account and transaction
8 file, were there any calls that were made to the borrowers
9 after the property was foreclosed?

10 A. No.

11 Q. Were there any letters that were sent to the debtors
12 after the property was foreclosed?

13 A. I believe the last letter I saw was dated April. But
14 I can't be too sure if I saw any additional letters.

15 THE COURT: Of 2015?

16 THE WITNESS: Hmm?

17 THE COURT: April of 2015?

18 MR. PAYNE: Yes.

19 THE COURT: So but calls were made to the borrowers
20 before the foreclosure.

21 THE WITNESS: Before the foreclosure, I did see some
22 calls were made.

23 THE COURT: And letters were sent before the
24 foreclosure?

EXHIBIT “H”

1 Q. Okay. Do you have any legal training?

2 A. No.

3 Q. Okay. Have you been to college?

4 A. I'm still in college.

5 Q. Okay. And you don't work in the bankruptcy
6 department?

7 A. No, I do not.

8 Q. And you've never worked in the bankruptcy department?

9 A. No.

10 Q. And you didn't for Bank of America, either?

11 A. No.

12 Q. You didn't bring your policies and procedures today,
13 did you?

14 A. No.

15 Q. And you didn't bring the file on the Marinos today,
16 did you?

17 A. No.

18 Q. Now, you said when somebody files bankruptcy it gets
19 noted an active bankruptcy, if its still going on?

20 A. If the bankruptcy is still active.

21 Q. Meaning not closed or not discharged?

22 A. It's not dismissed or it's not discharged, or a motion
23 for relief hasn't been granted.

24 Q. Okay. We're kind of mixing some things there. Are